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DEVELOPMENTS CONCERNING THE NATIONAL EMERGENCY WITH RESPECT TO THE PROLIFERATION OF NUCLEAR, BIOLOGICAL, AND CHEMICAL WEAPONS ("WEAPONS OF MASS DESTRUCTION") AND OF THE MEANS OF DELIVERING SUCH WEAPONS

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MESSAGE

FROM

**THE PRESIDENT OF THE UNITED STATES**

TRANSMITTING

A REPORT ON THE NATIONAL EMERGENCY DECLARED BY EXECUTIVE ORDER NO. 12938 OF NOVEMBER 14, 1994, IN RESPONSE TO THE THREAT POSED BY THE PROLIFERATION OF NUCLEAR, BIOLOGICAL, AND CHEMICAL WEAPONS ("WEAPONS OF MASS DESTRUCTION") AND OF THE MEANS OF DELIVERING SUCH WEAPONS, PURSUANT TO 50 U.S.C. 1703(c)



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*To the Congress of the United States:*

As required by section 204 of the International Emergency Economic Powers Act (50 U.S.C. 1703(c)) and section 401(c) of the National Emergencies Act (50 U.S.C. 1641(c)), I transmit herewith a 6-month report on the national emergency declared by Executive Order 12938 of November 14, 1994, in response to the threat posed by the proliferation of nuclear, biological, and chemical weapons ("weapons of mass destruction") and of the means of delivering such weapons.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *June 5, 1997.*



On November 14, 1994, in light of the dangers of the proliferation of nuclear, biological and chemical weapons ("weapons of mass destruction" -- WMD) and of the means of delivering such weapons, I issued Executive Order No. 2938, and declared a national emergency under the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.) The proliferation of weapons of mass destruction continues to pose an unusual and extraordinary threat to the national security, foreign policy and economy of the United States. Therefore, on November 12, 1996, I advised the Congress that the national emergency declared on November 14, 1994, and extended on November 14, 1995, must continue in effect beyond November 14, 1996.

The following report is made pursuant to Section 204 of the International Emergency Economic Powers Act (50 U.S.C. 1703) and Section 401(c) of the National Emergencies Act (50 U.S.C. 1641(c)), regarding activities taken and money spent pursuant to the emergency declaration. Additional information on nuclear, missile, and/or chemical and biological weapons (CBW) nonproliferation efforts is contained in the most recent annual Report on the Proliferation of Missiles and Essential Components of Nuclear, Biological and Chemical Weapons, provided to Congress pursuant to Section 1097 of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102-190), also known as the "Nonproliferation Report," and the most recent annual report provided to the Congress pursuant to Section 308 of the Chemical and Biological Weapons Control and Warfare Elimination Act of 1991 (Public Law 102-182), also known as the "CBW Report."

The three export control regulations issued under the Enhanced Proliferation Control Initiative (EPCI) remained fully in force and continue to be applied in order to control the export of items with potential use in chemical or biological weapons or unmanned delivery systems for weapons of mass destruction.

Chemical weapons continue to pose a very serious threat to our security and that of countries friendly to us. On April 29, 1997, the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction (the Chemical Weapons Convention or CWC) entered into force with 87 of the CWC's 165 signatory nations as original States Parties. I am pleased to report that, thanks to the timely advice and consent of the Senate on April 24, the United States was able to be among their number by depositing its Instrument of Ratification on April 25.

The United States regrets that Russia did not complete its legislative approval process in time to be among the original CWC States Parties. We have urged the Russian government to ratify the Treaty as soon as possible, noting the political and economic costs to Russia of not being a State Party. Through the Cooperative Threat Reduction Program, we are working with Russia to help address the financial and environmental issues associated with destroying the Russian CW stockpile.

On May 6, the CWC First Conference of States Parties opened in the Hague to inaugurate the Organization for the Prohibition of Chemical Weapons. We are an active participant in this meeting to ensure that the Convention is carried out aggressively in order to facilitate the removal of these terrible weapons from the earth.

The CWC is an ambitious undertaking by the world community to ban an entire class of weapons of mass destruction. Its members have committed themselves to totally eliminating chemical weapons stocks, prohibiting chemical weapons-related activities, banning assistance for such activities and restricting trade with non-Parties in certain relevant chemicals. The United States is already committed by law to destruction of the great majority of our chemical weapons stocks and that process has begun. Other CWC States Parties have now taken on a similar task, and we are working hard with the other members of the CWC to make membership in this treaty universal.

The United States is determined to ensure full implementation of the concrete measures in the CWC that will raise the costs and risks of any state, whether a CWC member or not, attempting to engage in chemical weapons-related activities themselves or to aid others -- whether nations or terrorists -- in obtaining chemical weapons. The CWC's declaration and inspection requirements will improve our knowledge of possible chemical weapons activities, whether conducted by countries or terrorists. The treaty's provisions constitute the most comprehensive and intrusive on-site inspection regime ever negotiated, covering virtually every aspect of a chemical weapons program, from development through production and stockpiling. These provisions provide for access to declared and undeclared facilities and locations, thus making clandestine chemical weapons production and stockpiling more difficult, more risky and more expensive.

Countries that refuse to join the CWC will be politically isolated and banned from trading with States Parties in certain key chemicals. The relevant treaty provision is specifically designed to penalize in a concrete way countries that refuse to join the rest of the world in stamping out the threat of chemical weapons.

During the past six months, the United States was active in the final work of the CWC Preparatory Commission (PrepCom) in The Hague. The PrepCom developed the vital technical and administrative procedures for implementation of the CWC to ensure that the new Organization for the Prohibition of Chemical Weapons was ready from the start to undertake its complex work of carrying out the mandate of the CWC.

The United States also continues to play a leading role in the international effort to reduce the threat from biological weapons. We are an active participant in the Ad Hoc Group striving to create a legally binding protocol to strengthen and enhance implementation of the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction (The Biological Weapons Convention or BWC). This Ad Hoc Group was mandated by the September 1994 BWC Special Conference. In 1996, the Group held meetings in July and September with the goal of preparing for the Fourth BWC Review Conference held in November 1996. This year there are three meetings of the Ad Hoc Group planned, and we expect that preparation of the first draft of a text for such a protocol will be accomplished during the second meeting in July 1997. Concluding an effective BWC protocol is high on our list of nonproliferation goals.

The United States continues to be a leader in the Australia Group (AG) chemical and biological weapons nonproliferation regime. The United States supported the entry of the Republic of Korea (South Korea) -- a country with an important chemical industry -- into the AG. The ROK became the group's 30th member in September 1996 -- a tribute to the continuing international recognition of the importance of the Group's effort in nonproliferation and to the commitment of the ROK to that goal.

The United States attended the AG's annual plenary session from October 14-17, 1996, during which the Group continued to focus on strengthening AG export controls and sharing information to address the threat of CBW terrorism. At the behest of the United States, the AG first began in-depth political-level discussion of CBW terrorism during the 1995 plenary session following the Tokyo subway nerve gas attack earlier that year.

The Group also reaffirmed the members' collective belief that full adherence to the CWC and the BWC is the best way to achieve permanent global elimination of CBW, and that all states adhering to these Conventions have an obligation to ensure that their national activities support this goal.

Australia Group participants continue to ensure that all relevant national measures promote the object and purposes of the BWC and CWC, and are fully consistent with the CWC. The AG nations reaffirmed their belief that existing national export licensing policies on chemical weapons-related items fulfill the obligation established under Article I of the CWC that States Parties never assist, in any way, the acquisition of chemical weapons. Given this understanding, the AG members also reaffirmed their commitment to continuing the Group's activities after the CWC entered into force.

The AG also agreed to continue to provide briefings for non-AG countries, and to promote regional consultations on export controls and nonproliferation to further awareness and understanding of national policies in these areas.

During the last six months, we continued to examine closely intelligence and other reports of trade in chemical weapons-related material and technology which might require action, including sanctions under the Chemical and Biological Weapons Control and Warfare Elimination Act of 1991.

The United States carefully controlled exports that could contribute to unmanned delivery systems for weapons of mass destruction, exercising restraint in considering all such proposed transfers consistent with the Guidelines of the Missile Technology Control Regime (MTCR). In May 1996, the United States imposed missile technology proliferation sanctions against two entities in Iran and one entity in North Korea for transfers involving Category II MTCR Annex items.

MTCR Partners continued to share information about proliferation problems with each other and with other potential supplier, consumer, and transshipment states. Partners also emphasized the need for implementing effective export control systems. This cooperation has resulted in the interdiction of missile-related materials intended for use in missile programs of concern.

The United States worked unilaterally and in coordination with its MTCR Partners to combat missile proliferation and to encourage non-members to export responsibly and to adhere to the MTCR Guidelines. Since my last report, we have continued our missile nonproliferation dialogue with the Republic of Korea and Ukraine. In the course of normal diplomatic relations, we also have pursued such discussions with other countries in Central Europe, the Middle East and Asia.

In June 1996, the United States was an active participant in discussions at the MTCR's Reinforced Point of Contact Meeting (RPOC) on regional missile proliferation issues. This meeting resulted in an in-depth discussion of regional missile proliferation concerns and actions the Partners could take, individually and collectively, to address the specific concerns raised by missile proliferation in regions of tension.

In July 1996, the MTCR held a Seminar on Transshipment Issues. The Seminar was held in Washington and hosted by the United States on behalf of the Regime. It brought together foreign policy-makers and experts from twelve MTCR Partner countries and seven non-MTCR countries for the first joint discussion of ways to address the proliferation threat posed by transshipment. The seminar was successful in focusing attention on the transshipment problem and fostered a productive exchange of ideas on how to impede proliferators' misuse of transshipment. Seminar participants also identified several areas for possible follow-up, which the United States pursued at the 1996 Edinburgh MTCR Plenary.

The MTCR held its Eleventh Plenary Meeting at Edinburgh, Scotland, October 7-11. At the Plenary, the MTCR Partners reaffirmed their commitment to controlling exports to prevent proliferation of delivery systems for weapons of mass destruction. They also reiterated their readiness for international cooperation in peaceful space activities that could not contribute to WMD delivery systems.

The MTCR Partners also were supportive of U.S. initiatives to follow up on the success of the June 1996 RPOC meeting on the regional aspects of missile proliferation and the July 1996 Seminar on transshipment issues. The Partners undertook to be proactive in encouraging key non-Partner transshippers to adhere to the MTCR Guidelines and Annex, and in providing them with practical assistance in implementing transshipment controls on missile technology. The Partners also agreed on steps they could take to enhance the MTCR's effectiveness in impeding missile proliferation in South Asia and the Persian Gulf. Finally, the MTCR Partners agreed to increase the transparency of Regime aims and activities, and to continue their efforts to develop a dialogue with countries outside the Regime to encourage voluntary adherence to the MTCR Guidelines and heightened awareness of missile proliferation risks.



A number of these follow-up measures have already occurred. The UK hosted a workshop on law and regulation development as a follow-on to the MTCR Transshipment Seminar, including the same non-MTCR countries. Switzerland will host a similar workshop on licensing and enforcement in June 1997. Technical experts met in Berlin in April 1997 to consider various ways of updating the MTCR Annex, the list of equipment and technology controlled by the regime. Another RPOC was held in Paris in April 1997, continuing the regime's focus on regional missile proliferation. All of the results of these meetings will be considered at the November 1997 Tokyo Plenary.

The U.S. also continued vigorous pursuit of our nuclear nonproliferation goals. In May 1995, Parties to the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) agreed at the NPT Review and Extension Conference to extend the NPT indefinitely and without conditions. Since the conference, more nations have acceded to the treaty. There now are more than 180 parties.

In a truly historic landmark in our efforts to curb the spread of nuclear weapons, the 50th UN General Assembly on September 10, 1996, adopted and called for signature of the Comprehensive Nuclear Test Ban Treaty (CTBT), negotiated over the past two and a half years in the Conference on Disarmament in Geneva. The overwhelming passage of this UN resolution (158-3-5) demonstrates the CTBT's strong international support and marks a major success for United States foreign policy. On September 24, I and other national leaders signed the CTBT in New York.

The United States played a leading role in promoting the negotiation of this agreement by declaring a moratorium on nuclear testing in 1992 and calling on all the other declared nuclear weapons states to enact their own moratoria, and by announcing in August of 1995 our support for a complete ban on all tests no matter how small their nuclear yield -- a so-called "zero-yield" CTBT. The United States also ensured during the negotiations that the treaty could be effectively verified so that the treaty would enhance rather than reduce the security of its adherents.

The CTBT will serve several United States national security interests in banning all nuclear explosions. It will constrain the development and qualitative improvement of nuclear weapons; end the development of advanced new types of nuclear weapons; contribute to the prevention of nuclear proliferation and the process of nuclear disarmament; and strengthen international peace and security. The CTBT marks an historic milestone in our drive to reduce the nuclear threat and to build a safer world.

The Nuclear Suppliers Group (NSG) continues its efforts to upgrade control lists and export control procedures. As noted in the last report, by October 1996, NSG members confirmed their agreement to clarifications to the nuclear trigger list to accord with trigger list changes agreed to by the members of the NPT Exporters (Zangger) Committee. The NSG also is actively pursuing steps to enhance the transparency of the export regime in accordance with the call in Principles 16 and 17 of the 1995 NPT Review and Extension Conference.

Since the last report, the NSG has pursued an intensive effort to prepare an export control seminar in Vienna which will describe and explain the role of the NSG (and the Zangger Committee) in preventing nuclear proliferation. The NSG is also continuing efforts to enhance information sharing among members regarding the nuclear programs of proliferant countries by (1) linking the NSG members through a dedicated computer network allowing for real-time distribution of license denial information, and by (2) creating a separate session for exchange of information on the margins of the NSG plenary meeting.

In 1996, NSG membership increased to 34 with acceptance of Brazil, the Republic of Korea and Ukraine at the Buenos Aires Plenary in April. Members continued contacts with Belarus, China, Kazakhstan and Lithuania regarding NSG activities and guidelines. The ultimate goal of the NSG is to obtain the agreement of all suppliers, including nations not members of the regime, to control nuclear and nuclear-related exports in accordance with the NSG guidelines.

Pursuant to Section 401(c) of the National Emergencies Act (50 U.S.C. 1641 (c)), I report that there were no expenses directly attributable to the exercise of authorities conferred by the declaration of the national emergency in Executive Order 12938 during the period from November 14, 1996, through May 14, 1997.